

REMARKS

The Office Action dated September 5, 2008 has been received and considered. In this response, claims 1, 2, 4-6, 10, 13, 16, 17, 19-21, 32, and 43 have been amended. Support for the amendments may be found in the specification and drawings as originally filed. Claims 14, 15, and 18 have been cancelled without prejudice or disclaimer. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Anticipation Rejection of Claims 1, 2, 6, 8-9, 11-15, 18, 32-34, 37, 39, 40, and 42-46

At page 2 of the Office Action, claims 1, 2, 6, 8-9, 11-15, 18, 32-34, 37, 39, 40, and 42-46 are rejected under 35 U.S.C. § 102(b) as being anticipated by Porter et al. (U.S. Patent No. 6,337,947).

Claim 1 has been amended to recite “recording the edited video stream for subsequent playback, the subsequent playback in response to a user request” and “wherein editing occurs in real-time relative to a user’s perspective of receiving the video stream.” The Office Action acknowledges at page 7 that Porter does not disclose saving or recording an edited video stream, but takes official notice that it is well known to record a video stream. However, the Office Action does not establish that it was well known in the art to record a video stream that has been edited **in real time**, as recited in claim 1. Applicants respectfully submit that at least these features were not well known and are therefore not subject to Official Notice. Thus, Porter fails to disclose at least one element of claim 1.

Claim 32 recites “recording the edited video stream.” Claim 43 recites “a memory configured to record the edited video stream.” Claim 46 recites “means for recording the edited video stream.” For reasons similar to those set forth above with respect to claim 1, Porter does not disclose at least these cited features of each of claims 32, 43, and 46.

Claims 2, 6, 8-9, 11-13, and 18 depend from claim 1. Claims 33, 34, 37, 39, 40, and 42 depend from claim 32. Claims 44 and 45 depend from claim 43. Accordingly, Porter fails to disclose at least one element of each these dependent claims, at least by virtue of their respective dependence on claims 1, 32, and 43. In addition, these dependent claims recite additional novel elements.

Claims 14 and 15 have been cancelled without prejudice or disclaimer.

In view of the foregoing, withdrawal of the anticipation rejection of claims -2, 6, 8-9, 11-15, 18, 32-34, 37, 39, 40, and 42-46 and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 3-5, 7, 10, 16-17, 19-22, 25-29, 31, 35, 36, 41

At page 6 of the Office Action, claims 3-5, 7, 10, 16-17, 19-22, 25-29, 31, 35, 36, and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Porter et al. This rejection is hereby respectfully traversed.

Claims 3-5, 7, 10, 16-17, 19-22, 25-29, and 31 depend from claim 1. Claims 35, 36, and 41 depend from claim 32. As explained above, Porter fails to disclose or render obvious at least one element of claims 1 and 32. Accordingly, Porter fails to disclose at least one element of each these dependent claims, at least by virtue of their respective dependence on claims 1 and 32. In addition, these dependent claims recite additional novel elements.

For example, claim 3 recites “wherein the information within the video stream is a station logo.” Thus, claim 3 provides for editing a video stream based on a station logo within the stream. According to the Office Action at page 6, it is well known to include a station logo within a video stream. However, the Office Action does not establish that it was well known to **edit** a received video stream **based on the station logo**. Thus, Porter fails to disclose or render obvious at least one element of claim 3.

With respect to claim 5, the claim recites “wherein the information received separately from the video stream is television guide information.” Thus, claim 5 provides for editing a video stream based on television guide information. According to the Office Action at page 6, it is well known use a television guide database for editing purposes. Applicants respectfully disagree, and request the Office provide a reference disclosing or rendering obvious these elements of claim 5. Applicants respectfully submit that the Office Action does not establish that it was well known to **edit** a received video stream **based on the television guide information**. Thus, Porter fails to disclose or render obvious at least one element of claim 5.

In view of the foregoing, withdrawal of the obviousness rejection of claims 3-5, 7, 10, 16-17, 19-22, 25-29, 31, 35, 36, and 41 and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 23, 24 and 38

At page 9 of the Office Action, claims 23, 24, and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Porter in view of Linnartz et al. (U.S. Patent No. 7,336,712). This rejection is hereby respectfully traversed.

Claims 23 and 24 depend from claim 1. Claim 38 depends from claim 32. As explained above, Porter fails to disclose or render obvious at least one element of claims 1 and 32. Further, Linnartz does not remedy the deficiencies of Porter. Accordingly, the cited references, individually and in combination, fail to disclose at least one element of each these dependent claims, at least by virtue of their respective dependence on claims 1 and 32. In addition, these dependent claims recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 23, 24, and 38 and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claim 30

At page 10 of the Office Action, claim 30 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Porter, and further in view of Matsui et al. (U.S. Patent App. Pub. No. 2003/0086686). This rejection is hereby respectfully traversed.

Claims 30 depends from claim 1. As explained above, Porter fails to disclose or render obvious at least one element of claim 1. Further, Matsui does not remedy the deficiencies of Porter. Accordingly, the cited references, individually and in combination, fail to disclose at least one element of claim 30, at least by virtue of its respective dependence on claim 1. In addition, claim 30 recites additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claim 30 and reconsideration of the claim is respectfully requested.

Conclusion

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present

application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicants believe no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 01-0365.

Respectfully submitted,

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Date